

REMARKS/ARGUMENTS

Before responding to the Office Action, Applicants wish to express appreciation for the Examiner's thoughtful comments and for the frank, courteous, and productive discussion during the interview.

Claim Rejections - 35 USC § 101

During the interview Applicant's attorney and the Examiner discussed the Examiner's position stated in the first Office Action rejection that the claims as presented were directed to non-statutory subject matter since the methods did not result in the production of a concrete tangible and useful result. Potential claim limitations which would recite the characteristics of what the final library is were discussed which would further characterize the production of a concrete tangible and useful result. No claims incorporating the proposed amendments were submitted before the Office Action of April 5, 2004 to which this Response is now directed.

The Examiner has not found Applicants' arguments submitted in response to the first Office Action persuasive and has maintained the 35 U.S.C. §101 rejections in the April 5, 2004 Office Action. While believing that the claims as presented in the Response to the first Office Action are, indeed, statutory, Applicants have herein amended the claims along the lines suggested by the Examiner in order to move this application forward.

Claims 1 and 3 have been amended to recited the characteristics of the merged assembly which results from the operation of the claimed method. Specifically, the method yields a merged assembly in which there is maximum structural diversity between the members and minimum redundancy (as determined by the validated metric). Thus, a concrete tangible result

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is claimed. As noted by the Examiner in the first Office Action, MPEP 2106 provides the guidance that:

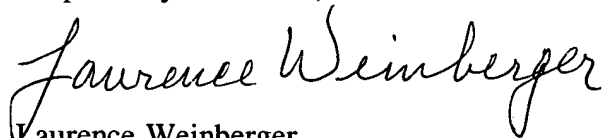
"For such subject matter to be statutory, the claimed process must be limited to a practical application of the abstract idea or mathematical algorithm in the technological arts."

Applicants respectfully incorporate their arguments from the Response to the first Office Action and submit that, with the amendments presented herein, the claims are limited to the required practical application.

Applicants respectfully request that the Examiner withdraw the 35 USC § 101 rejections and that a timely Notice of Allowance be issued in this case.

October 5, 2004

Respectfully submitted,



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